Revenue

App. F. IX-4

Previous References 1933. (Muzzaffarnagar)

File No. 238-33

Serial Nos. ~~1 6~~ 1-6

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 6.

Part B for August-34

SUBJECT.

Transfer of resumed Inam lands of defunct institutions

2 see Muz Corr
Rev Corr
Director of Land Records

& 6

WD 01965—GPB—15,000—7-7-34

No 238-1-B/2a B-34.

Director to take necessary action he taken in the Director of Land Records in the matter of transfers in the Settlement

Demand from Lands Department for the transfer of ...

General and Revenue Secretariat — File No. 238 of 1933. — [App. F. III—2

Serial No.	
1	Letter No. 3 dated 6.11.1933 from the Municipal Commissioner ... Requests ... transferring the ... the Department of Lands and ... Land in Block XK in Ward ... Sir Sidlebarracks ... over which ... of opinion between the M.C. and Lands Dept.

The references quoted in the above correspondence are fully flagged and the letter of the M.C under disposal explains the situation clearly. If approved the Lands Dept will be addressed to give effect to the order of the M.C/ on the grounds mentioned in his letter of the 29.8.1911 to the former officer.

J / K — A — (Case at Pg 8 8.5.33)

20/11/33

It has been communicated to all Hds of Depts SPR

2) The order of 8th May 33 (Flag J) should have been communicated to the Supdt. Rev. Survey & Town Settlements. It forms as though it because this has not been done — and there was reason for it the M.C. having been kept at the time — he has taken objection. If approved this order will be communicated to the Survey & Town Supdt and he will be advised as at A.

24/11/33

3

29/11

1/29/11

(Member of Council, 30 JUN. No. 2224)

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-32

2nd MR)

Transfer of —
Recommends grant bonds of defunct Hungarian Institution

File No. 2-738 of 1933 | General and Revenue Secretariat

Serial No.

5) The order has probably been communicated. What the S.S. wants is not quite clear. He seems to require Govt order every time. He may be asked to report clearly what the point raised by him is

Sgd
3/12
M
4/12

6) If approved this will be sent to the Secretary Supply unofficially for furnishing the information required. 7 not necessary 5/12 9/12

8) Put up a draft letter to the S.S. 9/12

5/12
7

9) A draft to the S.S. is enclosed. 12/12

10) Done 16/12

12/12
15

TYPING SECTION 1933 & REV. SEC.

849 dated 20. 12. 1933
The Purchase Inspector
Rehabilitation & Settlement
Requests him to intimate whether clearly what the point raised by him is

2

Sgd
21/12

Serial No.

3

Letter No 154/33-4 dated 6-3-
From the ... No. ...
Furnishes the information called for
above.

H

11) The Superintendent Revenue Survey states that an Inam which was "resumed" under orders of Govt in January 1931, and thus became extinct, has been revived by the Munsif Commissioner in 1933 and granted to a Non-Munsif Institution, that his action amounts to the creation of a New Inam and its grant to a Non-Munsif Institution, and that as this appears to be ultra vires, clear orders of Govt are in his opinion necessary in the present case.

F

12) In this connection reference is invited to paras 3 and 4 of the G.O dated 1.3.1926 issuing instructions for disposal of Inams and cash grants (of defunct Munsif Institutions) resumed by Govt and to item (iii) of para 1 of the G.O dated 8th May 1933 delegating the power to transfer such resumed inams and grants to the M.C, to Local Institutions.

J

13) The Inam Superintendent considers that the Inam land, on resumption by Govt loses its nature as Inam and the Inam itself becomes extinct and any grant of such extinct Inam amounts to revival of the old Inam which means creation of a New Inam which can be done only

NOTE—Contn Sheet.

WD 0434—GPB—15 000—12-10-33

Serial No.

by Govt and not by the M.C in the present case. This opinion of the Superintendent seems to be based on an erroneous view of the well expressed intentions of the Govt on the point. Mere resumption of an Inam does not amount to its extinction, and its regrant to another person or institution does not amount to revival. It is only when the Inam land is resumed and its Inam tenure cancelled specifically by a Govt order that the Inam ceases to exist as such and not on mere resumption only. In other words mere "resumption" does not mean "cancellation" of the Inam, as opined by the Superintendent.

F

In the G.O. dated 1.3.1929 clearly lays down instructions for granting resumed cash and Inam lands of defunct Mutts in substitution to old or new institutions with Govt sanction, and the power to transfer such grants, vested in Govt was and delegated by them to the M.C in the G.O. dated 8.5.1933. In the above circumstances, the power delegated to the M.C would be a nullity if his order is not acted upon by the Inam Dept whose reasoning for refusing to so act upon, does not appear to be well based, besides being opposed to the

J

Transfer of

Resumed Inam lands of Defunct Mangalore Municipality

[App. F. III—2

General and Revenue Secretariat Revy File No. of 1934.

Serial No.

intentions by the Govt in the matter The Supdt has therefore to give effect to the order passed as desired by the M.C.

15) Orders are also solicited on the point raised by the Supdt in para 2 of his letter regarding delegating him the power to issue fresh Title Deeds to new Inamdars which are granted / resumed inams or restored grants

16) Reference para 5 supra

17) Please speak to me 12/3/34

18 The Survey Supdt's interpretation of the meaning of the word 'resumed' that resumption extinguishes the Inam rights cannot be accepted. In the G.O. of March 1929 which lays down the procedure to be adopted in the case of resumed Inams of defunct Institutions it is clearly explained in para 5 (2) that is to be done with lands & Cash grants after resumption & until regranted to other institutions. In the face of these terms it is by no means clear how the Supdt says that grants of resumed Inams amount to creation of new Inams & fresh grants. The Supdt may perhaps be right but that his interpretation is not correct. After this point is settled the other point raised by the Supdt in para 2 of para II may be taken up for consideration.

Refd to the G.O. of March 1929

Refer with reference to Members Remarks at para 5 Supra

21/3/34

21/3/34

OFFICE OF THE SECOND MEMBER OF COUNCIL. 26 MAR 1934 No. 1075

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-33

Transfer of 3.'34

Resumed inams of deceased Muslim Registrants

File No. 238 of 1933. | General and Revenue Secretariat

Serial No.

Please let me see the provn of any ~~for the~~ governing actual cancellation of inams once granted a inam.

1/5 38/3 1/31/3

2) Kind reference is invited to paras 275 and 280 of the Revenue Manual Vol I which contains the provision relating to Resumption and Cancellation of Inams, and ~~also~~ to the Govt orders dated 10.6.1916 and 7.1.1927. put up below.

3564 3 A 1934 REVENUE BRANCH

K. P

Pl see 11/4

Para 275 of the Rev Manual (Key T) is the one thing that pertains to the point at issue.

11/4/34

2nd d(1)

23 12/4 12/4

24 I agree that the word resumed in G.O. of 1929 & 1933 does not include the extinction of the Inam but only the taking away of possession from the original Grantee. But the difficulty raised by the S.S relates to ~~para~~ Rule 312 (3) which requires Govt sanction & change.

OFFICE OF THE SECOND MEMBER OF COUNCIL. 12 APR. 1934 No. 6671

General and Revenue Secretariat

File No. 238 of 1933

Serial No.

the Title deed The real point therefore is does the recipient require any modification of the title if so to what extent Is any fresh title deed necessary in such cases. What was being done since 1929 when Govt were sanctioning these grants. This maybe ascertained

1/12
17/12
2/18/4

25

Draft submitted
26/4/34
26 Apr 34
2/26/4

TYPING SECTION.
26 APR. 1934
GEN. & REV. SECTT.

4 1438 dated 26.4.1934
The Superintendent, Revenue Survey & Settlement
Calls for information on the points referred to in the para 24 Supra

Supdt 8/5/34

Letter No 209 dated 28.5.1934
From the Supdt Rev. Survey.
Furnishes information on the points referred to above

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12 10-33

Transfer of 1305

Resumed from Land by Defunct Municipal Institutions

Mung File No. of 1933.

General and Revenue Secretariat

Serial No.

27. As regards the first point whether the Registrar requires any modification of the title-deed and if so, to what extent, it is stated by the Supdt. S.S. that there is no question of forgery in the present case, as the grant is not to the same institution. The grant being to an altogether different institution necessarily requires a fresh title-deed in favour of the new grantee.

28. As regards the second point, whether a fresh title-deed is necessary in such cases the reply is said to be in the affirmative.

29. As regards the third point, it is stated that transfers of unenfranchised detached dasa shares which is ordered by Govt. are being noted in the Assessment Quit-rent Registers.

30. Submitted with reference to para 24 supra

Regd 5/6/34

(Secy.)

2nd MR

31/ Please Consult the Ld. C. for remarks on the S S further views

31/ [illegible] 1/6

OFFICE OF THE SECOND MEMBER OF COUNCIL. 15 JUNE 1934 NO. [illegible]

18/ [illegible]

21/6

General and Revenue Secretariat | File No. of 193 . | [App. F. III—2

Serial No. 33

Forwarded with Compliments to the Muzrai Commissioner in Mysore for favour of remarks on the further views of the Secretariat.

By order

Bangalore
25th June 1934

For Financial Secretary

GENL. & REV. SECRETARIAT
No. 20 103.
25 JUN. 1934
M - I BR. - CH

OFFICE OF THE MUZRAI COMMISSIONER
M.T.No. C 303/33-34
26 JUN. 1934
IN MYSORE - BANGALORE.

303/33-34
6-7-34

It does not look as if any title deeds were issued when unfranchised Devadaya lands were transferred under the orders of Government since 1929. The Survey Department found it sufficient to make the necessary changes in the Inam and Quit Rent registers. The transfers made by the Muzrai Commissioner within the limits of the authority delegated to him have to be dealt with in precisely the same manner. The issue of title deeds (in the rare event of their being applied for) is after all ministerial duty and it is immaterial to the Survey and Inam Department whether the sanctioning authority is the Government itself or some officer exercising the powers of Government by delegation. The Inam Commissioner's order of 14th November 1877 embodied in para 312 of the Revenue Manual must be taken to have been modified by the Government Order of 8th May 1933 in so far as it relates to cases coming within the competence of the Muzrai Commissioner.

Returned with compliments.

Muzrai Commissioner.

FINANCIAL SECRETARY
No.

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-33

Transfer of 130

Reserved from Lands & Defence Members Instructions

File No. 238 of 1937.	General and Revenue Secretariat
	Serial No.

36) Subd for orders with reference to paras 32 - 35 Supra, as to whether the views of the M.C at para 32 supra may be accepted and orders issued accordingly.

DOS 10/7 37) The M.C's views may perhaps be accepted. Refer:- Para 32 Supra

J 12/7/34

JL Secy) 2nd Mr) 38 M 20/7. 5/25 28/7

39) I agree with the Hon Com who is also R.E. As this is a matter concerning the Rev Survey Dept, the file may be submitted to the First Member also before issue of order.

JOM 30/7

18th Mr) A 2/8

40) Papers to 3/8/34 2/8

A draft G.O. is put up.

42) Put up clean draft as revised please 2/11/8

4/8

DOS 6/8

MW 8/8/34

OFFICE OF THE FIRST MEMBER OF COUNCIL 2 AUG 1934 No. 845

General and Revenue Secretariat Mis File No. 23 S of 193 7.

Serial No.	
43/	A Sectional draft [illegible]
	For approval 14/8/34
	Secy)
	16/8
6	20.8-10 [illegible]
	[illegible]
	[illegible]

File No. of 193 General and Revenue Secretariat

Mu 238-33-1

M C. 13]

No. 303/33-4 Genl Misc

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE.

Dated, Bangalore, ... 193 ..

2 Enclosures sent to returned on 29/8/34

FROM

S. HIRIANNAIYA, ESQ., M.A., B.L.,
Muzrai Commissioner in Mysore

FIN A 9/11/33

To

Secretary to the Government of His Highness the Maharaja of Mysore.

Department.

SIR,

I have the honor to [illegible] office order [illegible] dated 17th [illegible] taluk was transferred for the [illegible] temple at the place is [illegible] under I (iii) of G.O. No. 1860-917/ 02.240- [illegible] and a copy of the order was sent to the Survey Superintendent for noting the transfer in the books of the office. I regret to point raised in his letter dated 14-8-33 stating that the Inam partment cannot undertake any alteration [illegible] Registers, without the sanction of Government, the position was explained in this office letter dated 25th August 1933 (copy enclosed). Even in spite of this explanation, the Survey Superintendent has again intimated that action cannot be taken without sanction of Government under Rule 312 (vii) of the Revenue Manual, Vol.I. As the power delegated to the Muzrai Commissioner would be a nullity if this order is not acted upon by the Inam Department, I solicit the favour of instructions in the matter.

Survey Superintendent's letters 14-8-33 and 16-10-33 in original are enclosed for reference and return

I have the honour to be,
Sir,
Your most obedient servant,

Muzrai Commissioner.

Letter No.303/33-34 dated 2[illegible] from [illegible] the Superintendent, Revenue Survey [illegible].

ith reference to your letter [illegible] I have the [illegible] state that the tenure of the devadaya inam land [illegible] Land angâm Mutt at Chennasamudra was [illegible] has resumed from the possession of the Trustees under G.O. [illegible] -28-2 dated 1-3-1929 pending the transfer of the inam [illegible] g institution. In virtue of the power delegated [illegible] (2 1) .1568-617/Muz,243-32-3 dated 3-5-1933 [illegible] funct institutions to other deserving institutions, [illegible] mitations the land in question was transferred [illegible] ddarameswaraswami temple at Chennasamudra. [illegible] .14054-62/R.F.227-92 dated 30-3-1933) for the transfer [illegible] ler which you wish me to address Government [illegible] em modified to the extent noted [illegible]. I request [illegible] given to the order passed in this office [illegible] y 1933.

'C O P Y"

Revenue

mch For Joint Secretary

Appendix F G—1]

SUBJECT .....

.....

.....

Section Mis

File No. 2 38 -

Serial No. 2

Diary No. of letter replied to ....

No. 849

To The Collector Rev. Curtsy & Settlement Off,

General and Revenue Secretariat

( )

the *193* .

Date of issue 20/12/33

I am directed to write reference to correspondence ending with your letter No 757/33-34 dated 15.10.33 addressed to the M.E in Mysore re: the transfer by the M.E. to the Revenue Department of the Sharavathi Inam Lands vested in H.H. the Maharaja of Mysore in G.O. No 1602-57/Misc 215-32-1 dated the 16.1.1933 ~~and it is~~ ~~to start~~ to the Deputy Commissioner of the Shimoga Shimoga temple at Shankaramatha Holalkere Taluk, and to state that as the power to transfer the inams to devasthanams has been delegated to the M.E in G.O. No 1515-16/1 Misc 214-32-2

Signed by B.N. Krishna Swamiyya

by the Secretary in his order No. 1602/Misc 214-32 dated 16.12.33

List of enclosures.....

Copied by 19/1

Examined by.....

(which has been communicated to all headquarters)

dated 8th May 1932. The

~~point raised by you in your letter~~

~~under acknowledgement is not quite~~

It is not ~~clear~~ understood why a separate f.v. is required

~~clear and it is not known whether~~

~~you seem to require Gyanchowkies~~

~~every time such transfers are~~

~~made by the Mr. by virtue of~~

~~the power delegated to him under~~

~~of Assistants~~

~~by you left to absolute~~ I am

~~Therefore~~ to request you to be

so good as to report clearly

what the point raised by you

is.

(As what is wanted by you is not clear from your letter under advertence,)

Please etc

16/12

For Collector

Tirhut

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

FINANCIAL SECRETARIAT,

Dated, Bangalore, 19th December *193* 3

No. 849
Muz 238-33-2

From

The *Financial Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Superintendent,
Revenue Survey and Settlements in Mysore

Sir,

I am directed to invite reference to correspondence ending with your letter No.75/33-34 dated the 16th October 1933 addressed to the Muzrai Commissioner in Mysore re- the transfer by the Muzrai Commissioner of the Devadaya Inam land resumed by Government in Government Order No.1602-5/Muz. 215-30-2 dated the 16th January 1931 to the Sri Siddarameswaraswami temple at Chennasamudra, Holalkere Taluk, and to state that as the power to transfer such inams to deserving institutions has been delegated to the Muzrai Commissioner in G.O.No.1568-1617/Muz. 248-32-3 dated 8th May 1933 which has been communicated to all Heads of Departments, it is not understood why a separate Government Order is required. As,what is wanted by you is not also clear from your letter under advertence, I am to request you to be so good as to report clearly what the point raised by you is.

I have the honour to be,

Sir,

Your most obedient servant,

for Financial Secretary to Government.

Psk.

881

OFFICE OF THE SUPERINTENDENT,
MYSORE REVENUE SURVEY, AND SETTLEMENT,

No. 154
33-34

Muz 238-33-3

Dated, Bangalore, 2nd February 193 4.

3

FROM

G.B.Heblikar, Esq., B.A., LL.B.,
Superintendent, Revenue Survey and
Settlement in Mysore.

To

S.Shamanna, Esq., B.A.,
Financial Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

SIR,

With reference to your letter No.849/Muz. dated 19/20th December 1933, requesting to know why a separate Government order is required when the power to transfer Inam lands from one defunct institution to another deserving institution has already been delegated to the Muzrai Commissioner, I have the honor to state that, an Inam which was "resumed" under orders of Government and thus became extinct in 1931, -- (vide Government Order No.1602-5/Muz.215-30-2 dated 15/16th January 1931) has been revived by the Muzrai Commissioner in 1933 and granted to a Non-Muzrai Institution. His action thus amounts to the creation of a new Inam and its grant to a Non-Muzrai Institution.. As this appears to be ultra vires clear orders of Government are in my opinion necessary in this case.

2. Further, as corrections have to be made in the Original Inam Records and a fresh Title-Deed is to be issued in such cases consequent on the transfer of the Inam lands, sanction of Government is necessary as per para 312 (b) VII of the Mysore Revenue Manual Volume I. It seems necessary to delegate the power to issue fresh Title-Deeds to me in such cases.

I have the honor to be,

Sir,

Your most obedient servant,

G.B.Heblikar

Superintendent.

BKS/

Appendix F G—1]

SUBJECT .....

.....

.....

4(

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue 28/4/34

Signed by B. Muddukrishna

List of enclosures .....

Copied by .....

Examined by .....

Section

File No. ~~1438~~

Serial No. 238-34

4

No. 1438

To

The Supdt-Rev. Survey & Settlements
... in Mysore

Sir,

In reference to ~~the correspondence~~ para 2 ~~ending with~~ of your letter No. 154/33-34 dy 3.2.1934 regarding ~~in Rev dy~~ a separate fo. regarding the transfer of inam lands ~~from~~ of a deprived institution to another deserving institution although the power to transfer such inam lands has been delegated to the Mr ~~have directed to state~~ decided that the word 'resumed' in fos No. 1769-72/Rev.49-28-2 dy 1.3.1929 & No. 1602-5/Rev-215-30-2 dy 16.1.1931 does not include the extinction of the ~~Inams but only the taking over~~

~~of portion-A from the official frontier.~~

~~In this connection I invite~~

~~special reference to para 2 of~~

~~the your letter under reference~~, I

am to request you to furnish

detailed information on the

following points:—

(i) does the regrant regime

any modification of the title

deed & if so to what extent

(ii) Is any fresh title deed necessary

in such cases

(iii) What was being done in

this respect since 1929 when

Govt. were sanctioning the grants.

I have &c

2/26/4

For Secy

Memo no 1439/L 29/4/34

Copy of the above is

forwarded with Compts to

the R.C. in his reference

in letter No. 303/33-34 dt 6-11-1933.

By O.

2/26/4

For Secy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 27 - h - ...193 L.
2800.

No. 1438
Mis 238-33-4

From S. Shamanna, Esquire, B.A.,
Financial Secretary to the Government of His Highness
the Maharaja of Mysore.

To

G.B. Heblikar, Esquire, B.A., LL.B.,
Superintendent, Revenue Survey and Settlement
in Mysore, B a n g a l o r e.

Sir,

With reference to xxxx para 2 of your letter No. 15h/33-3h dated the 3rd February 1934 requesting a separate Government Order regarding the transfer of inam lands of a defunct institution to another deserving institution although the power to transfer such inam lands has been delegated to the Huzrai Commissioner, I am directed to request you to furnish detailed information on the following points:-

(i) Does the re grant require any modification of the title-deed and if so to what extent,

(ii) Is any fresh title-deed necessary in such cases,

(iii) What was being done in this respect since 1920 when Government were sanctioning the grants.

I have the honor to be,
S i r,
Your most obedient servant,

Sd/- S. Shamanna,

Secretary to Government,
Financial Department

P.H.

Memo No. 1439/Mis 34 dated 29/9/34

Copy of the above is forwarded, with compliments, to the

the Muzrai Commissioner in Mysore with reference to his letter No. 303/33-34 dated the 6th November 1933.

By order,

Financial Secretary to Government.

92

OFFICE OF THE SUPERINTENDENT,
MYSORE REVENUE SURVEY, AND SETTLEMENT,

GENL & REVENUE 1308 30 MAY 1934

No. 209
33-34

Dated, Bangalore, 25th May ... *193* 4.
28

FROM

G.B.Heblikar,Esq., B.A.,LL.B.,
Superintendent, Revenue Survey and Settlement in Mysore.

To

S.Shamanna,Esq., B.A.,
Financial Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

SIR,

With reference to your letter No.1438/Muz.38-33-4 dated 28th April 1934 requesting me to furnish detailed information on certain points with regard to the transfer of grants of one defunct Muzrai Institution to another deserving one, I have the honor to state as follows:-

(1) As regards the first point I beg to state that the Inam having been resumed by Government there is no question of regrant in this case as the grant is not to the same institution. The grant in question is a fresh grant to an altogether different institution. A fresh grant necessarily requires a fresh title-deed in favour of the new grantee.

(ii) As regards point 2 the answer is in the affirmative.

(iii) As regards point 3 it may be stated that transfers of unenfranchised Devadaya Inams when ordered by Government are being noted in the Inam and Quit-rent Registers.

I have the honor to be,
Sir,
Your most obedient servant,

GB Heblikar
Superintendent.

BKS/2.

G.R.S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

Section Mucz

File No. 238-33

Serial No. 6

General and Revenue Secretariat

( )

the *193* .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue ..20.:..8.:..1934

Signed by Mr B. Muddukrishnappa

Read—

G.O.No 1769-72 Mucz dated 1.3.1929 issuing orders regarding the resumption inams of defunct Kasbatgirni institutions and granting the same to deserving institutions

2/ Para I(viii) of G.O.No 1571-1111 Mucz 245-32-3 dated 8.5.1933 delegating to the M.C. the power of transferring inam lands and grants of defunct kasbatgirni to other deserving institutions

3/ Letter No 30-33-11 dated 6.11.1933 from the M.C.

Order thereon.—No

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

24

List of Enclosure

Copied by

Examined by

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

order 208-10.
820-8-34

Both the M.C and the Secretary of Land Records in their letters have stated that no title deeds have been issued since it was decided in Camshed Investments that the order of Court in such matters have been made in the dark and quite mechanically the M.C opines that the changes made by him will in no way ~~the~~ of the authority given to him have to be dealt with in precisely the same manner as Govt are pressed to agree with the M.C that the necessary rectification be effected by the Sub Registrar in the register, and the Sub-Registrar

WD 0255—GPR—10,000—23-8-32

1578
1410